

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 3, 2008 has been entered. Applicant's June 3, 2008 REMARKS have been reviewed. Consequently, the previous rejection is withdrawn as the REMARKS are convincing.
2. Claims 1-6, 9-17 and 27-51 are pending. Claims 2, 9, 11, 12, 15-23, 24, 26 and 34-51 are withdrawn from consideration. Applicant cancelled claims 7, 8 and 24.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 3-6, 10, 13, 14 and 27-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Pursuant to the May 15, 2008 Memorandum from John J. Love, Deputy Commissioner for Patent Examination Policy, United States Patent and Trademark Office, the claims 1, 3-6, 10, 13, 14 and 27-33 are non-statutory as the claims are not tied to a statutory class nor transform the underlying subject matter to a different state or thing.

4. Applicant's Information Disclosure Statement's (IDS's) received May 8, 2008 and January 8, 2008 have been reviewed. Note the attached IDS's.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Joseph Rudy/
Primary Examiner, Art Unit 3687